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A REGISTERED LIMITED LIABILITY PARTNERSHIP 666 FIFTH AVENUE, 31ST FLOOR NEW YORK, NEW YORK 10103-3198 WWW.FULBRIGHT.COM

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December 27, 2002

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RECIPIENT(S):	FAX No.:	PHONE NO.:	
Examiner A. DeCloux	703-746-4982	09807811	i :
USPTO, Group 1644	1	<u>:</u>	

FROM:

Norman Hanson

USER ID:

NH01030

PHONE:

Message:

(212) 318-3168

FAX:

(212) 318-3400

RE:

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VIA FACSIMILE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)

Alexander, et al.

Serial No

09/165,546

Filed

October 2, 1998

For

ISOLATED PEPTIDES CORRESPONDING TO AMINO

ACID SEQUENCES OF NY-ESO-1...

Art Unit

1644

Examiner

A. Decloux

December 27, 2002

Hon. Commissioner of Patents and Trademarks Washington, D.C. 20231

RESPONSE TO TELEPHONE INTERVIEW SUMMARY AND ADVISORY ACTION AND AMENDMENT

This is in response to the papers mailed by the examiner on December 18.

With respect to the examiner interview summary sheet, the recitation of the substance of the telephone interview is correct.

With respect to the advisory action, yet again the examiner has changed her position, and has indicated that claims previously deemed allowable are not. Please compare paper number 38 (copy attached) indicating that claims 89-91 and 95 would be allowable. Now, in paper number 40, the examiner states they are not.

The examiner cannot reverse position without reopening prosecution. This has been pointed out before, and apparently has been ignored.

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